

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL DISTRICT  
INGHAM COUNTY

LINDA A. WATTERS, COMMISSIONER,  
OFFICE OF FINANCIAL AND INSURANCE SERVICES  
FOR THE STATE OF MICHIGAN,

Petitioner,

File No. 03-1127-CR

VS

Hon. William E. Collette

THE WELLNESS PLAN,  
a Michigan Health Maintenance Organization,

Respondent.

MARK J. ZAUSMER (P31721)  
AMY M. SITNER (P46900)  
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ORDER APPROVING THE REHABILITATOR'S  
PRE-REHABILITATION MEDICAL PROVIDER CLAIM DETERMINATIONS  
AND ALLOWING DISBURSEMENT OF FUNDS TO PAY  
APPROVED PRE-REHABILITATION MEDICAL PROVIDER CLAIMS

At a session of said Court held in the  
City of Mason, County of Ingham,  
State of Michigan on: 8/31/05

PRESENT: HON. \_\_\_\_\_  
CIRCUIT COURT JUDGE

This matter having come before the Court upon the Rehabilitator's Petition for An Order  
Approving the Rehabilitator's Pre-Rehabilitation Medical Provider Claim Determinations and  
Allowing Disbursement of Funds to Pay Approved Pre-Rehabilitation Medical Provider Claims,

oral argument having been heard, and the Court being otherwise duly advised in the premises:

IT IS HEREBY ORDERED that the claims listed in Exhibit F to the Rehabilitator's Petition are denied for failure to file a timely proof of claim form, and the Rehabilitator, having previously informed the providers listed in Exhibit F of the Rehabilitator's claim determination and having received no objection, is not required to further notify those providers of this Order.

IT IS FURTHER ORDERED that the claims listed in Exhibit G to the Rehabilitator's Petition are denied for failure to file a timely proof of claim form, and the Rehabilitator, having previously informed the providers listed in Exhibit F of the Rehabilitator's claim determination and having also responded to and denied any objection received on the basis of inadequate evidence of timely filing, is not required to further notify those providers of this Order.

IT IS FURTHER ORDERED that, except as addressed in a separate order of this Court, the claims set forth in Exhibit H to the Rehabilitator's Petition are approved in the amounts set forth in Exhibit H and as further explained in Exhibits I and J to the Petition; further, the Court approves disbursement of funds from The Wellness Plan to pay the approved amounts, subject to the conditions set forth below.

IT IS FURTHER ORDERED that the claims listed in Exhibit K to the Rehabilitator's Petition and that have a dollar figure listed in the "AMYSIS Amount to Pay" column are approved in the amounts set forth in Exhibit K and as further explained in the Petition; further, the Court approves disbursement of funds from The Wellness Plan to pay the approved amounts, subject to the conditions set forth below.

IT IS FURTHER ORDERED that the *disputed portion of* claims listed in Exhibit K to the Rehabilitator's Petition as "On Hold" will not be paid at this time subject to further negotiation and possible

facilitation of those claims; pending final resolution of those claims, the Rehabilitator shall retain funds sufficient to pay an amount up to the figures that those providers claim <sup>remains</sup> is due.

IT IS FURTHER ORDERED that each Michigan hospital listed in Exhibit H or K to the Rehabilitator's Petition, prior to receiving a disbursement from The Wellness Plan, shall either (1) provide the Rehabilitator with a report meeting acceptable accounting standards that lists (a) outstanding credit balance refunds due to The Wellness Plan for the period from July 1, 2002 through the present and (b) credit refund balances written off for the period from July 1, 2002 through the present, or (2) submit to an audit by a mutually acceptable auditor to determine any such amounts; any amount determined to be due from a hospital under this paragraph shall be offset against any amount due from The Wellness Plan to the relevant hospital for pre-rehabilitation claims; any disputes resulting from this process that the parties are unable to resolve informally shall be facilitated in accordance with the Court's Facilitation Order attached as Exhibit L to the Rehabilitator's Petition, with each party bearing fifty percent of the cost of facilitation.

IT IS FURTHER ORDERED that any negative balance amount determined to be due from a medical provider shall be offset against any amount due from The Wellness Plan to the relevant medical provider for pre-rehabilitation claims; any disputes arising from this process that the parties are unable to resolve informally shall be facilitated in accordance with the Court's Facilitation Order attached as Exhibit L to the Rehabilitator's Petition, with each party bearing fifty percent of the cost of facilitation.

IT IS FURTHER ORDERED that the Rehabilitator's recommendations regarding IPA claims, as set forth in Exhibit N to the Rehabilitator's Petition, are approved, and the

Rehabilitator may disburse funds from The Wellness Plan to pay approved amounts, subject to the other requirements of this Order.

IT IS FURTHER ORDERED that each provider, prior to receiving a disbursement as described in this Order, shall execute a release acknowledging that the payment constitutes final resolution of the provider's pre-rehabilitation claims against The Wellness Plan, its assets, officers, directors and members that were raised or that could have been raised in the rehabilitation proceedings by that provider; as to providers with multiple claims, some of which remain "On Hold," such releases shall be appropriately limited.

  
CIRCUIT COURT JUDGE

IT IS FURTHER ORDERED that any claims of Anesthesia Associates (Tax ID#s 381880662, 383208803, and 383506194) will be resolved in accordance with a subsequent order to be submitted to the Court.

IT IS FURTHER ORDERED that the following providers whose claims are listed in Exhibit K to the Rehabilitator's Petition as "On Hold" may receive payment of amounts that the Rehabilitator does not dispute provided that they produce, within 30 days of the date of this Order, credit balance reports as described in this Order; such payments are subject to all other requirements of this Order, including but not limited to offset of credit and negative balances, if any:

Hackley Hospital, Oakwood Hospital System, Henry Ford Hospital System, Hurley/Binson's Medical Equipment and Bio-Medical Labs/Spectra Eas

IT IS FURTHER ORDERED that the Wellness Plan will pay Detroit Medical Center the pre-rehabilitation maternity case reimbursement in the amount of \$253,134.87. This amount is not in dispute.